

EXHIBIT D

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : No. 1:18-bk-01609-HWV
KIMMEL'S COAL AND :
PACKAGING, INC. :
Debtor : Chapter 11

IN RE: : No. 1:18-bk-02506
MEADOWBROOK COAL :
COMPANY, INC. :
Debtor : Chapter 11

IN RE: : No. 5:18-bk-02507
MICHAEL COAL COMPANY, INC. :
Debtor : Chapter 11

IN RE: : No. 5:18-bk-02509
KIMMEL'S POWER PLANT :
SERVICES, INC. : Chapter 11
Debtor :

IN RE: : No. 1:18-bk-02510
KIMMEL'S MINING COMPANY, INC. :
Debtor : Chapter 11

**APPLICATION FOR ORDER
UNDER FED. R. BANKR. P. 1015
FOR JOINT ADMINISTRATION OF CASES**

Kimmel's Coal and Packaging, Inc. ("Kimmel's Coal"), Meadowbrook Coal Company, Inc. ("Meadowbrook"), Michael Coal Company, Inc. ("Michael"), Kimmel's Power Plant Services, Inc. ("Kimmel's Power") and Kimmel's Mining Company, Inc. ("Kimmel's Mining"), Debtors and Debtors-In-Possession in the above captioned cases, (individually a "Debtor" and collectively the "Debtors"), hereby apply for an order under Fed. R. Bankr. P. 1015 allowing for and authorizing the joint administration of the Debtors' Chapter 11 cases and the consolidation thereof for procedural purposes only as follows:

1. On April 19, 2018, an involuntary Chapter 7 Petition was filed against Kimmel's Coal. Thereafter, on May 10, 2018, Kimmel's Coal filed a Motion to Convert the Case to a Case under Chapter 11.

2. On June 5, 2018, the Court entered an Order converting the Case to Chapter 11.

3. On June 12, 2018, (the "Petition Date"), Meadowbrook, Michael, Kimmel's Power and Kimmel's Mining each filed voluntary Petitions in this Honorable Court under Chapter 11 of the United States Bankruptcy Code (as amended, the "Code").

4. The Debtors manage their respective assets and properties and operate their businesses as Debtors-In-Possession.

5. No Creditors' Committee has yet been appointed in these cases by the United States Trustee.

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue herein is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

7. The predicate for the relief requested herein is Rule 1015 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

8. Kimmel's Coal, Meadowbrook Coal, Michael and Kimmel's Mining are Pennsylvania corporations engaged in the coal mining, coal sales and coal shipping business.

9. Kimmel's Power is a Pennsylvania corporation in the business of power plant fuel management.

10. Each of the above entiteis is owned by the same person.

11. Further, some of the creditors of each entity are joint creditors of each of the individual Debtors, including the major secured creditors.

12. Bankruptcy Rule 1015(b) provides for joint administration of estates where two or more petitions are pending by or against a debtor or its affiliate. Because of the commonality in ownership of the Debtors, it is believed that the Debtors are affiliates as such is defined in the Bankruptcy Code. Accordingly, joint administration of the Debtors' estates is appropriate.

13. The joint administration of these affiliated Debtors' Chapter 11 cases will permit the Clerk of the Court to utilize a single general docket for these cases and reduce the volume of paper that would otherwise be filed with the Clerk's Office and simplify administration of the cases. It is believed that no parties in interest or creditors will be prejudiced. This is not a motion for substantive consolidation. Further, the granting of joint administration will relieve the Court of the burden of entering duplicative orders and keeping duplicative files.

14. The Debtors request that the official caption to be used by all parties in all pleadings in the jointly administered cases be as follows:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Case Nos. 1:18-bk-01609-HWV, 1:18-bk-
KIMMEL'S COAL AND : 2506, 5:18-bk-2507, 5:18-bk-2509 and 1:18-
PACKAGING, INC. *et al.* : bk-2510
Debtors :
: Chapter 11
:
: (Jointly Administered)
:
:

15. The Debtors request that a docket entry reflecting the joint administration, in the form that is contained in the Order accompanying this Application, be made in each of the Debtors' cases.

16. The relief requested herein has not been previously made to this Court or any other Court.

WHEREFORE, it is respectfully requested by the above Debtors that the Court enter an order providing for the joint administration of these cases pursuant to Fed. R. Bankr. P. 1015 and granting the Debtors such other and further relief as is just and proper.

Respectfully submitted,

CUNNINGHAM & CHERNICOFF, P.C.

By: /s/ Robert E. Chernicoff
Robert E. Chernicoff, Esquire
Attorney I.D. No. 23380
2320 North Second Street
P.O. Box 60457
Harrisburg, PA 17106-0457
(717) 238-6570

Dated: June 12, 2018

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : No. 1:18-bk-01609-HWV
KIMMEL'S COAL AND :
PACKAGING, INC. :
Debtor : Chapter 11

IN RE: : No. 1:18-bk-02506
MEADOWBROOK COAL :
COMPANY, INC. :
Debtor : Chapter 11

IN RE: : No. 5:18-bk-02507
MICHAEL COAL COMPANY, INC. :
Debtor : Chapter 11

IN RE: : No. 5:18-bk-02509
KIMMEL'S POWER PLANT :
SERVICES, INC. : Chapter 11
Debtor :

IN RE: : No. 1:18-bk-02510
KIMMEL'S MINING COMPANY, INC. :
Debtor : Chapter 11

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notice is hereby given that the Debtors, have filed an Application for Order Under Fed.R.Bankr.P.1015 for Joint Administration of Cases. A complete copy of such Application is available at the Clerk's Office set forth below or on the Court's electronic filing website.

Unless objections to the Application are filed within twenty-one (21) days of the date hereof, the Court may grant the relief requested in the Application without further hearing. Any party who objects to the Application must file an objection which conforms to the Rules of Bankruptcy Procedure, and attend any hearing the Court may schedule on the matter. A complete copy of the Application may be viewed at the Clerk's office at the address set forth below or on the Court's ECF site.

**CLERK, U.S. BANKRUPTCY COURT
THE RONALD REAGAN FEDERAL BUILDING
228 WALNUT STREET, ROOM 320
HARRISBURG, PA 17101**

Date:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : No. 1:18-bk-01609-HWV
KIMMEL'S COAL AND :
PACKAGING, INC. :
Debtor : Chapter 11

IN RE: : No. 1:18-bk-02506
MEADOWBROOK COAL :
COMPANY, INC. :
Debtor : Chapter 11

IN RE: : No. 5:18-bk-02507
MICHAEL COAL COMPANY, INC. :
Debtor : Chapter 11

IN RE: : No. 5:18-bk-02509
KIMMEL'S POWER PLANT :
SERVICES, INC. : Chapter 11
Debtor :

IN RE: : No. 1:18-bk-02510
KIMMEL'S MINING COMPANY, INC. :
Debtor : Chapter 11

**ORDER UNDER FED. R. BANKR. P. 1015
DIRECTING JOINT ADMINISTRATION OF CASES**

The Application of the above named Debtors and Debtors-In-Possession (collectively the "Debtors" and individually "Debtor") for an order under Fed. R. Bankr. P. 1015 consolidating for procedural purposes only, and providing for joint administration of, the Debtors' separate Chapter 11 cases having come before the Court and the Court having determined that the relief requested in the Application is in the best interests of the Debtors, their estates, their creditors and other parties in interest; and it appearing that proper and adequate notice of the Application has been given and that no further or other notice is necessary; and good and sufficient cause appearing therefore; it is

HEREBY ORDERED that:

1. The Application is granted.
2. The above captioned Chapter 11 cases are consolidated for procedural purposes only and shall be jointly administered by the Court.

3. The caption of the jointly administered cases shall read as follows:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	Case Nos. 1:18-bk-01609-HWV, 1:18-bk-02506,
KIMMEL'S COAL AND PACKAGING,	:	5:18-bk-2507, 5:18-bk-2509 and
INC. <i>et al.</i>	:	1:18-02510
Debtors	:	
	:	Chapter 11
	:	
	:	(Jointly Administered)

4. This caption shall be deemed to comply with the requirements of Section 342 of the Code and Bankruptcy Rules 1007 and 2002.

5. A docket entry shall be made in each of the Debtors' cases substantially as follows:

An order has been entered in this case directing the procedural consolidation and joint administration of the Chapter 11 cases of Kimmel's Coal and Packaging, Inc., Meadowbrook Coal Company, Inc., Michael Coal Company, Inc., Kimmel's Power Plant Services, Inc., and Kimmel's Mining Company, Inc. The docket in Case No. 1:18-bk-01609 should be consulted for all matters affecting this case.